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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,816	09/22/2003	Michael Borg Limberg	UT09082003	1952
31105 7590 12/13/2007 LAW OFFICE OF PHILIP A STEINER 1212 MARSH STREET SUITE 3 SAN LUIS OBISPO, CA 93401			EXAMINER RANGREJ, SHEETAL	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/668,816

Applicant(s)

LIMBERG ET AL.

Examiner

Sheetal R. Rangrej

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 1-17, 34-50, 52 and 53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-33, 51 and 54-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 09/22/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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***Prosecution History Summary***

1. Claims 1-17, 34-50, and 52-53 are withdrawn.
2. Claims 54-57 are new.
3. Claim 31 is currently amended.
4. Claims 18-33, 51, and 54-57 are pending.

## DETAILED ACTION

### *Election/Restrictions*

5. Applicant's election without traverse of claims 18-26, 27-33, and 51-53 is acknowledged. Invention I (claims 1-7 and 49-50) has a separate utility such as a method, system, and a computer-readable medium for generating a visual compliance display. Invention I is classified in class 705, subclass 3. Invention II (claims 18-26, 27-33, and 51-53) has a separate utility such as a method, system, and a computer-readable medium for generating a financial obligation statement. Invention II is classified in class 705, subclass 34. Invention III (claims 34-39) has a separate utility such as an integrated healthcare management information system. Invention III is classified in class 705, subclass 2. Invention IV (claims 40-48) has a separate utility such as an integrated healthcare management information system. Invention IV is classified in class 705, subclass 2. Examiner notes that it would be a serious burden to search all inventions given their separate status in the art as noted above. Examiner further notes that it would be a serious burden to search all inventions given their different field of search.
6. The requirement is still deemed proper and is therefore made **FINAL**. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
7. Claims 1-17, 34-50, and 52-53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.
8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Information Disclosure Statement***

9. The information disclosure statement (IDS) submitted on 09/22/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "305" (figure 3) has been used to designate both "inform user about correct processing" and "send statement to payor". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 18, 22, 24-33, 51, and 54-57 rejected under 35 U.S.C. 102(b) as being anticipated by Doctor et al. (U.S. Publication No. 2002/0032584).

13. As per claim 18, Doctor teaches a method for generating a financial obligation statement for a non-gratuitous benefit provided to a client comprising:

- establishing an event with a client (**Doctor: para. 0031; para. 0035**);
- determining a level of compliance with one or more requirements established by a third party payor in privity with said client (**Doctor: para. 0036**);
- displaying said level of compliance (**Doctor: para. 0052; 0068; 0073-0079**);
- generating a financial obligation statement derived at least in part from said level of compliance (**Doctor: para. 0044**); and,
- transmitting said financial obligation statement to said third party payor (**Doctor: para. 0044**).

14. As per claim 22, the method of claim 18 is as described. Doctor further teaches wherein said transmitting includes recording an approval provided by an authorized individual associated with said provider (**Doctor: para. 0044**).

15. As per claim 24, the method of claim 18 is as described. Doctor further teaches wherein said client is a healthcare patient (**Doctor: para. 0030**), said provider is a healthcare provider (**Doctor: para. 0030**), and said third party payor is a public insurance provider, a private insurance provider or combination of district public and private insurance providers (**Doctor: para. 0042**).

16. As per claim 25, the method of claim 18 is as described. Doctor further teaches wherein said transmitting includes: -accumulating a plurality of financial obligation statements destined for said third party payor (**Doctor: para. 0044**); and, -transmitting said plurality of financial obligation statements to said third party payor in a batch (**Doctor: para. 0044**). The examiner interprets that the amount of financial obligation statements transmitted does not change the invention as a whole and therefore Doctor teaches the transmission of financial obligation statements destined for third party payor (**Doctor: para. 0044**).

17. As per claim 26, the method of claim 25 is as described. Doctor further teaches wherein said accumulation is accomplished absent a clearinghouse intermediary (**Doctor: para. 0044**).

18. As per claim 27, Doctor teaches a system for generating a financial obligation statement for a non-gratuitous benefit provided to a client for provision to a third party payor comprising:  
-a computer system comprising (**Doctor: figure 1; para. 0032**):

-a processor (**Doctor: para. 0008; 0047**);

-a user interface coupled to said processor (**Doctor: para. 0038**);

-a display interface coupled to said processor (**Doctor: para. 0038**);

-a telecommunications apparatus coupled to said processor (**Doctor: para. 0039**);

-a memory coupled to said processor, said memory having operatively stored therein a data structure comprising information associated with a client (**Doctor: para. 0043**);  
and,

-at least one application comprising instructions executable by said processor for carrying out the functions of (**Doctor: para. 0043**):

-determining a level of compliance from said information (**Doctor: para. 0036**),

-displaying said level of compliance on said display interface (**Doctor: para. 0052; 0068; 0073**),

-generate a financial obligation statement from said information (**Doctor: para. 0044**), and

-transmitting said financial obligation statement to said third party payor via said telecommunications apparatus (**Doctor: para. 0044**).

19. As per claim 28, the system of claim 27 is as described. Doctor further teaches wherein said data structure comprises a database having stored therein a plurality of client data including information associated with said client (**Doctor: para. 0042; 0044**).

20. As per claim 29, the system of claim 28 is as described. Doctor further teaches wherein said database comprises;

-a client data storage area having at least one client record associated with said client stored therein (**Doctor: para. 0042, i.e. patients**);

-an events data storage area having at least one event record associated with said client stored therein (**Doctor: para. 0044**);

-a third party payor data storage area having at least one third party payor record associated with said client stored therein (**Doctor: para. 0042, i.e. health insurance companies or payers**);  
and,

-a benefits data storage area having at least one benefit record associated with said client stored therein (**Doctor: para. 0042**).



21. As per claim 30, the system of claim 28 is as described. Doctor further teaches wherein said database is disposed on a server in data exchange communication with said computer system **(Doctor: para. 0043)**.

22. As per claim 31, the system of claim 27 is as described. Doctor further teaches wherein said level of compliance is displayed on said display interface in a relative scale that is indicative of the level of compliance **(Doctor: para. 0073-0079)**.

23. As per claim 32, the system of claim 31 is as described. Doctor further teaches wherein said relative scale is based at least in part on a level of complexity associated with obtaining said information **(Doctor: para. 0087-0090)**.

24. As per claim 33, the system of claim 27 is as described. Doctor further teaches wherein said display interface includes an end user customizable graphical user interface **(Doctor: para. 0038)**.

25. As per claim 51, Doctor teaches a computer program product embodied in a tangible form readable by at least one processor having executable instructions stored thereon for causing said at least one processor **(Doctor: para. 0056)** to at least determine a level of compliance from inputted information **(Doctor: para. 0036)**, display said level of compliance on a display interface **(Doctor: para. 0052; 0068; 0073)**, generate a financial obligation statement from said inputted information **(Doctor: para. 0044)**, and transmit said financial obligation statement to a third party payor via a coupled telecommunications apparatus **(Doctor: para. 0039; 0044)**.

26. As per claim 54, the system of claim 51 is as described. Doctor further teaches wherein said database is disposed on a server in data exchange communication with said computer system **(Doctor: para. 0043)**.

27. As per claim 55, the system of claim 51 is as described. Doctor further teaches wherein said level of compliance is displayed on said display interface in a relative scale that is indicative of the level of compliance (**Doctor: para. 0087-0090**).

28. As per claim 56, the system of claim 55 is as described. Doctor further teaches wherein said relative scale is based at least in part on a level of complexity associated with obtaining said information (**Doctor: para. 0087-0090**).

29. As per claim 57 the system of claim 51 is as described. Doctor further teaches wherein said display interface includes an end user customizable graphical user interface (**Doctor: para. 0038**)

***Claim Rejections - 35 USC § 103***

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doctor et al. (U.S. Publication No. 2002/0032584) in view of Myers (U.S. Publication No. 2003/0083903).

32. As per claim 19, the method of claim 18 is as described. Doctor further teaches wherein said establishing an event includes:

- recording at least demographic information associated with a group of prospective clients attending a presentation associated with said provider (**Doctor: para. 0109**);
- scheduling an appointment with said client (**Doctor: para. 0057; para. 0109**); and

-recording information associated with said third party payor (**Doctor: para. 0042**).

Doctor does not teach wherein said establishing an event includes: -establishing at least one of said group of said prospective clients as said client; -providing a benefit to said client; and, -recording said benefit provided to said client.

Myers teaches wherein said establishing an event includes: -establishing at least one of said group of said prospective clients as said client (**Myers: figure 3E, 314; i.e. clicking the next button establishes**); -providing a benefit to said client (**Myers: figure 3S; the examiner interprets providing procedures as a benefit**); and, -recording said benefit provided to said client (**Myers: figure 3Z; the examiner interprets the procedures order to be the benefit and the summary showing the recoding of that procedure (i.e. benefit)**).

One of ordinary skill in the art at the time of the invention would have found it obvious to combine the teachings of Doctor with Myers with the motivation of facilitating compliance with rules and procedures required for payment approval from a health care payer in connection with an encounter between a healthcare practitioner and a patient (**Doctor: para. 0007**).

33. As per claim 20, the method of claim 18 is as described. Doctor further teaches wherein said establishing an event includes: -scheduling an appointment with said client (**Doctor: para. 0057; para. 0109**); and -recording information associated with said third party payor (**Doctor: para. 0042**).

Doctor does not teach wherein said establishing an event includes: -receiving a referral for a prospective client; -establishing said prospective client as said client; -providing a benefit to said client; and, -recording said benefit provided to said client.

Myers teaches wherein said establishing an event includes: -receiving a referral for a prospective client (**Myers: para. 0102**); -establishing said prospective client as said client (**Myers: figure 3E, 314; i.e. clicking the next button establishes**); -providing a benefit to said client (**Myers: figure 3S**); and, -recording said benefit provided to said client (**Myers: figure 3Z**).

The motivation to combine the teachings is the same as claim 19.

34. As per claim 21, the method of claim 18 is as described. Doctor further teaches wherein said establishing an event includes scheduling an appointment with said client (**Doctor: para. 0057; para. 0109**).

Doctor does not teach wherein establishing an event includes wherein said client is an established client; -providing a benefit to said client; and, -recording said benefit provided to said client.

Myers teaches wherein establishing an event includes wherein said client is an established client (**Myers: figure 3N**); -providing a benefit to said client (**Myers: figure 3S**); and, -recording said benefit provided to said client (**Myers: figure 3Z**).

The motivation to combine the teachings is the same as claim 19.

35. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doctor et al. (U.S. Publication No. 2002/0032584) in view of Cummings, Jr. (U.S. Patent No. 5,301,105).

36. As per claim 23, the method of claim 18 is as described. Doctor does not teach the method further including: -receiving a reply from said third party payor, wherein said reply comprises payment information granted by said third party payor; and, -automatically

reconciling differences between said financial obligation statement and said payment information.

Cummings teaches the method further including: -receiving a reply from said third party payor, wherein said reply comprises payment information granted by said third party payor (**Cummings: col. 10, 55-57**); and, -automatically reconciling differences between said financial obligation statement and said payment information (**Cummings: col. 11, 66 – col. 12, 13**).

One of ordinary skill in the art at the time of the invention would have found it obvious to combine the teachings of Doctor with Cummings with the motivation of reducing time, direct cost, and indirect cost incurred through duplication of tests, excessive paperwork, and inappropriate utilization (**Cummings: col. 2, 28-34**).

#### *Conclusion*

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Garcia (U.S. Patent No. 5,065,315) discloses a scheduling system that is capable of rescheduling tests or services in each department.

-Hunt et al. (U.S. Patent No. 5,933,809) discloses a software system for processing medical billing record information.

-Boyer et al. (U.S. Patent No. 6,208,973) discloses a third party financial management vehicle.

-Knowlton (U.S. Publication no. 2004/0172291) discloses a system for processing medical service contracts.

-Wood, Micheal A. Erickson, Kristi A. Medical Practice Evaluation and Analysis.

(Financial analysis and Medical Staff Development). Topics in Health Care Financing, Spring, 2003, V 19, N 3, p. 32(26). Discloses an improvement on appointment scheduling and billing compliance.

-Business/Technology Editors. GMAC Insurance Selects Allegient Systems Software; The Allegient System Will Optimize Carrier/Legal Relationship. Business Wire, New York: Oct. 29, 2001. p. 1. Discloses a system that reviews invoices to ensure compliance with GMAC insurance billing guidelines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheetal R. Rangrej whose telephone number is 571-270-1368.

The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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